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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,273	03/16/2001	Hiroyuki Nishii	Q63124	4971

7590

09/13/2002

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 09/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/809,273

Applicant(s)

NISHII ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is in response to the amendment dated July 10, 2002. Claims 3 and 9 were amended. Claims 1-12 are pending.

2. The 35 USC 112, second paragraph, rejection of claims 3 and 9 set forth in paragraph 2, paper no. 4 (mailed April 10, 2002), is withdrawn due to the amendments to the claims.

3. The following rejection set forth in paper no. 4, paragraph 4, is maintained:

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (US 5,189,405). Yamashita et al. discloses a thin film electroluminescent panel comprising a covering over the electroluminescent element (see abstract). The covering includes a plastic film 3, which reads upon the porous sheet per instant claims 2, 5, 9, and 11 (see Figure 1). The plastic used to form the film 3 may include polyethylene, polypropylene, and polyester (see col. 3, lines 43-48). Adjacent the plastic film 3 is moisture absorption sheet 4. The moisture absorption sheet may be in the form of non-woven fabric per the reinforcing sheet per instant claims 3, 4, 9, and 10 (see col. 3, lines 49-59 and col. 3, lines 6-7). The moisture absorption sheets comprising moisture absorbing powder dispersed in an organic polymer absorbs moisture in the device per the instant requirement of "a removing agent capable of removing a prescribed gaseous component" per instant claims 1, 6, 7, and 12 (see column 3, lines 3-7). The moisture proof sheet 5 includes an impermeable metal foil layer 51, which reads upon the non-porous sheet per instant claims 2 and 8

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(see col. 2, lines 35-49). Yamashita et al. discloses all components recited in claims 1-12.

### ***Response to Arguments***

4. Applicant's arguments filed July 10, 2002 have been fully considered but they are not persuasive. The applicant argues "The member for an electroluminescent device of the present invention (claim 1) comprises 'a container a part of which is made of porous material and a removing agent capable of removing a prescribed gaseous component, the removing agent being contained in the container'" while "the moisture absorption sheet as described in Yamashita is a sheet of an organic polymer with scattered powder of moisture absorbent". Applicant argues the instant device differs, because "the amount of removing agent contained can be increased". The examiner notes that none of the instant claims have limitations drawn to the amount of removing agent. Applicant also argues "in Yamashita, when the mixture is formed into a sheet, the mixture is heated to a temperature higher than the melting point of the organic polymer" while "in the present invention, the removing agent is not exposed to such high temperature". The examiner respectfully notes that the instant claims do not have any temperature limitations and there are no method claims. Applicant's arguments with regard to the method of making the Yamashita device differing from the instant method of making a device are not persuasive, because a final product has been claimed. The examiner respectfully maintains the rejection over Yamashita.

**Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (703)305-0788. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached at (703)-308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-2351.

  
D.G.

September 12, 2002

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

